

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
06/819,663	03/17/97	REICH	

HM11/1208

NORMAN D. HANSON
FELFE & LYNCH
805 THIRD AVENUE
NEW YORK NY 10022

EXAMINER
CUNNINGHAM, T.

ART UNIT
1644

12/08/98

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ADDRESS:
ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTY. DOCKET NO.
-----------------	------------	----------------------	------------------

EXAMINER

ART. UNIT

PAPER NUMBER

DATE MAILED:

Please find below and/or attached an Office communication concerning the above identified application.

Commissioner of Patents and Trademarks

Application No. 08/819,669
Art Unit 1644

1. The FINALITY of the last office action is withdrawn in order to clarify the Applicant's prior response to the restriction requirement.
2. The reply filed on 12/9/97 is not fully responsive to the RESTRICTION requirement (Paper NO. 7) because of the following omission(s) or matter(s):
 - A. Applicant has incorrectly assumed that an election of species requirement was imposed and has responded accordingly. Therefore, in order to clarify the record a formal response to the restriction requirement of record is required.
 - B. Applicant's prior election of Group I, claims 173-177 in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
3. This application contains claims 173 (as drawn to non-MAGE-1 sequences), 174 (as drawn to non-MAGE-1 sequences), 177, 178, and 179-181 (as drawn to non-MAGE-1 sequences), drawn to inventions nonelected without traverse in Paper No. 8. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.142-1.144)
See MPEP § 821.01.

Application No. 08/819,669
Art Unit 1644

4. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

5. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Cunningham, Ph.D., J.D., whose telephone number is (703) 308-3968. Dr. Cunningham can generally be reached Monday through Thursday from 7:30AM to 6:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

TC

THOMAS M. CUNNINGHAM
PRIMARY EXAMINER
GROUP 1800

670 4.213
SEARCHED
INDEXED
MAILED

Application No. 08/819,669
Art Unit 1644

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with one or more of the requirements of 37 CFR 1.821-1.825 as follows:

(See attached Raw Sequence Listing Error Report)

Applicant must provide:

1. An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
2. An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
3. A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

Customer service:

For questions regarding compliance with these requirements, please contact:
For Rules Interpretation, call (703) 308-1123.
For CRF submission help, call (703) 308-4212
For PatentIn software help, call (703) 308-6856.\

--PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE--

Application No. 08/819,669
Art Unit 1644